SENATE JOURNAL

JANUARY 19, 2006

FOURTH DAY

MORNING SESSION

The Senate was called to order at 10:25 a.m., with President John Valentine presiding.

Prayer – Senator Greg Bell

Pledge of Allegiance – Senator David Thomas

Roll Call – All Senators present except Senator Peterson, excused.

READING OF TITLES OF BILLS AND RESOLUTIONS (PLEASE REFER TO DAY 1, PAGE 9)

COMMUNICATIONS FROM THE HOUSE

The House passed, as amended, **H.B. 16**, REVISIONS TO OPEN AND PUBLIC MEETINGS LAW, by Representative G. Donnelson, and it is transmitted for consideration; and

The House passed **H.B. 71**, ECONOMIC DEVELOPMENT – SUNSET MODIFICATIONS, by Representative P. Wallace, and it is transmitted for consideration.

Sandy D. Tenney, Chief Clerk

Communications filed. **H.B. 16** and **HB. 71** were read the first time and referred to the Rules Committee.

STANDING COMMITTEE REPORTS

Mr. President: January 18, 2006

The Business and Labor Committee reports a favorable recommendation on **S.B. 108**, ETHICS IN DENTAL ADVERTISING, by Senator P. Knudson; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 115**, CONTINUING EDUCATION IN INSURANCE, by Senator T. Hatch; and

The Business and Labor Committee reports a favorable recommendation on **S.B. 130**, JOINT TENANCY AMENDMENTS, by Senator T. Hatch.

Scott K. Jenkins, Chair

Mr. President:

January 18, 2006

The Education Committee reports a favorable recommendation on **S.B. 56**, SECONDARY SCHOOL AMENDMENTS, by Senator D. C. Buttars, with the following amendments:

- 1. Page 2, Line 54 through Page 3, Line 59:
 - 54 (1) (a) A public school shall accept credits awarded to a student by a school accredited
 - 55 <u>or approved by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the State Board of Education or a regional accrediting body recognized by the state Board of Education or a regional accrediting body recognized by the state Board of Education or a regional accrediting body recognized by the state Board of Education or a regional accrediting body recognized by the state Board of Education or a regional accredition or a region of the region of</u>
 - 56 <u>U.S. Department of Education</u> } <u>by the Association of Accredited Schools</u> as either core curriculum or elective credit, except as provided
 - 57 in Subsection (1) {-(b) } (c) .

 (b) A public school shall accept credits from supplemental education providers and other credit sources with written approval from the student's principal or designee.
 - 58 {—(b) } (c) Credits awarded for a core curriculum course shall be applied to fulfilling core
 - 59 <u>curriculum requirements, if the course is substantially aligned with the standards and objectives</u>

David L. Thomas, Chair

Mr. President:

January 18, 2006

The Health and Human Services Committee reports a favorable recommendation on **S.B. 53**, ADULT PROTECTIVE SERVICES AMENDMENTS, by Senator A. Christensen; and

The Health and Human Services Committee reports a favorable recommendation on **S.B. 95**, PSYCHOLOGIST LICENSING ACT AMENDMENTS, by Senator E. Mayne.

Allen Christensen, Chair

Mr. President:

January 18, 2006

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 15**, GRAMA APPEALS PROCESS AND DOCUMENT REQUEST AMENDMENTS, by Senator D. Thomas; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 26**, ADMINISTRATIVE RULES REAUTHORIZATION, by Senator H. Stephenson; and

The Government Operations and Political Subdivisions Committee reports a favorable recommendation on **S.B. 47**, RESTORATION OF VOTING RIGHTS AMENDMENTS, by Senator B. Goodfellow.

Parley G. Hellewell, Chair

Mr. President:

January 18, 2006

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 31**, SALES AND USE TAX – MANUFACTURING EXEMPTIONS AMENDMENTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 32**, MULTI-CHANNEL VIDEO OR AUDIO SERVICE TAX – COUNTY OR MUNICIPALITY FRANCHISE FEE TAX CREDIT, by Senator B. Goodfellow; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 33**, SALES AND USE TAX EXEMPTIONS FOR CERTAIN BUSINESS INPUTS, by Senator H. Stephenson; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 34**, GROSS RECEIPTS TAX AMENDMENTS, REPEAL AND PUBLIC UTILITY TARIFFS, by Senator M. Dmitrich; and

The Revenue and Taxation Committee recommends **S.B. 35**, LOCAL OPTION SALES AND USE TAX DISTRIBUTION AMENDMENTS, by Senator G. Bell, be replaced and favorably recommends **1st Sub. S.B. 35**, LOCAL OPTION SALES AND USE TAX DISTRIBUTION AMENDMENTS; and

The Revenue and Taxation Committee reports a favorable recommendation on **S.B. 36**, SCHOOL DISTRICTS – LIMITED AMENDMENTS TO TRUTH IN TAXATION, by Senator M. Dmitrich.

Curtis S. Bramble, Chair

Mr. President:

January 18, 2006

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 112**, CENTERS OF EXCELLENCE AMENDMENTS, by Senator T. Hatch, with the following amendments:

- 1. Page 1, Lines 12 through 16:
 - 12 recommends that the governor consider the allocation of economic development
 - 13 funds for Centers of Excellence to be matched by industry and federal grants on at
 - 14 least a two-for-one basis for colleges and universities in the state that {-award at least}
 - 15 50 doctoral degrees per year across at least 15 different disciplines } offer any doctoral degrees ;
 - 16 ▶ requires the Governor's Office of Economic Development to develop a process to determine whether to require the return of economic development Centers of Excellence grant moneys
- 2. Page 2, Lines 47 through 50:
 - 47 (2) The Legislature recommends that the governor consider the allocation of economic
 - 48 development funds for Centers of Excellence to be matched by industry and federal grants on at
 - 49 least a two-for-one basis <u>for colleges and universities in the state</u>
 that {-award at least 50 doctoral}
 - 50 <u>degrees per year across at least 15 different disciplines</u> } <u>offer</u> any doctoral degrees .
- 3. Page 3, Lines 62 through 64:
 - 62 (b) {—A } The Governor's Office of Economic Development shall develop a process to determine whether a college or university that receives a grant under this part must return the grant

- 63 proceeds if the technology that is developed with the grant proceeds is licensed to a licensee
- 64 <u>that:</u>; and

The Workforce Services and Community and Economic Development Committee reports a favorable recommendation on **S.B. 120**, GOVERNOR'S RURAL PARTNERSHIP BOARD AMENDMENTS, by Senator T. Hatch.

Carlene M. Walker, Chair

On motion of Senator Knudson, the committee reports were adopted. S.B. 108, S.B. 115, S.B. 130, S.B. 56, as amended, S.B. 53, S.B. 95, S.B. 15, S.B. 26, S.B. 47, S.B. 31, S.B. 32, S.B. 33, S.B. 34, 1st Sub. S.B. 35, S.B. 36, S.B. 112, as amended, and S.B. 120were placed on Second Reading Calendar.

INTRODUCTION OF BILLS

- **S.B. 155**, Amendments to County and Municipal Land Use Provisions (G. Bell), read the first time by short title and referred to the Rules Committee.
- **S.B. 156**, Legislative Direction Relating to United States Senators (H. Stephenson), read the first time by short title and referred to the Rules Committee.
- **S.B. 157**, **Impact of Administrative Rules on Small Businesses** (H. Stephenson), read the first time by short title and referred to the Rules Committee.

THIRD READING CALENDAR

S.R. 1, SENATE RULES RESOLUTION – CONSENT CALENDAR AMENDMENTS, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Evans
Fife	Goodfellow	Hale	Hatch
Hellewell	Hickman	Hillyard	Jenkins
Killpack	Knudson	Madsen	Mansell
Mayne	McCoy	Stephenson	Thomas
Waddoups	Walker	Valentine	

Absent or not voting were: Senators

Eastman Peterson

S.R. 1 was referred to the staff for enrolling.

* * *

S.B. 25, COORDINATION WITH TRIBAL LEADERS AMENDMENTS, was read the third time, explained by Senator Evans, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

S.B. 25 was transmitted to the House for consideration.

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S.B. 3, MINIMUM SCHOOL PROGRAM BASE BUDGET AMENDMENTS, was read the third time.

On motion of Senator Stephenson, the bill was circled.

* * *

S.B. 143, REVISOR'S STATUTE, was read the third time, explained by Senator Waddoups, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman

Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

S.B. 143 was transmitted to the House for consideration.

* * *

S.B. 21, EMPLOYMENT SECURITY AMENDMENTS, was read the third time, explained by Senator Hickman, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

S.B. 21 was transmitted to the House for consideration.

* * *

S.B. 40, MINE SAFETY AND CERTIFICATE AMENDMENTS, was read the third time, explained by Senator Dmitrich, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale

Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

S.B. 40 was transmitted to the House for consideration.

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S.B. 7, CHILD PROTECTION AMENDMENTS, was read the third time, explained by Senator Bell, and passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

S.B. 7 was transmitted to the House for consideration.

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On motion of Senator Bramble, the circle was removed from **S.B. 29**, SALES AND USE TAX EXEMPTION – TELECOMMUNICATIONS, and it was before the Senate. Senator Bramble explained the bill. Senators Mayne and McCoy commented. The bill passed on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale

Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

S.B. 29 was transmitted to the House for consideration.

SECOND READING CALENDAR

S.B. 19, AMENDMENTS TO INDOOR CLEAN AIR ACT, was read the second time. Senator Waddoups explained the bill. Senators Bramble. Christensen, McCoy, Hellewell, Hatch, Hickman, Walker, Mansell, Killpack, Arent, Mayne, Stephenson, and Jenkins commented. The bill passed second reading on the following roll call:

Yeas, 18; Nays, 10; Absent, 1.

Voting in the affirmative were: Senators

Arent	Bramble	Buttars	Christensen
Eastman	Evans	Hale	Hellewell
Hillyard	Jenkins	Knudson	Mansell
Mayne	McCoy	Stephenson	Thomas
Waddoups	Valentine		

Voting in the negative were: Senators

Bell	Davis	Dmitrich	Fife
Goodfellow	Hatch	Hickman	Killpack
Madaan	Wallran		

Madsen Walker

Absent or not voting was: Senator

Peterson

* * *

S.B. 57, TELEHEALTH FOR RURAL UTAH, was read the second time. Senator Evans explained the bill.

On motion of Senator Evans, the following substitute bill replaced the original bill.

1st Sub. S.B. 57 TELEHEALTH FOR RURAL UTAH (B. Evans)

Senator Hillyard commented. The bill passed second reading on the following roll call:

Yeas, 27; Nays, 0; Absent, 2.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	Stephenson	Thomas
Waddoups	Walker	Valentine	

Waddoups Walker Valenti

Absent or not voting were: Senators

McCoy Peterson

* * *

S.B. 8, CARE OF STUDENTS WITH DIABETES IN SCHOOL, was read the second time. Senator Arent explained the bill. The bill passed second reading on the following roll call:

Yeas, 28; Nays, 0; Absent, 1.

Voting in the affirmative were: Senators

Arent	Bell	Bramble	Buttars
Christensen	Davis	Dmitrich	Eastman
Evans	Fife	Goodfellow	Hale
Hatch	Hellewell	Hickman	Hillyard
Jenkins	Killpack	Knudson	Madsen
Mansell	Mayne	McCoy	Stephenson
Thomas	Waddoups	Walker	Valentine

Absent or not voting was: Senator

Peterson

COMMUNICATIONS FROM THE HOUSE

Mr. President:

January 19, 2006

The House passed, **S.B. 1**, STATE AGENCY AND HIGHER EDUCATION BASE BUDGET APPROPRIATIONS, by Senator L. Hillyard, which has been signed by the Speaker and it is transmitted for the signature of the President.

Sandy D. Tenney, Chief Clerk

S.B. 1 was signed by the President of the Senate in open session. The bill will be enrolled and transmitted to the Governor.

* * *

On motion of Senator Knudson and at 11:45 a.m., the Senate adjourned until 10:00 a.m., Friday, January 20, 2006.

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S.B. 56	- SECONDARY SCHOOL AMENDMENTS (D. C. Buttars) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Amendments Committee report adopted and placed on calendar	. 34 . 96
S.B. 57 —	TELEHEALTH FOR RURAL UTAH (B. Evans) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar Read the second time Substituted	. 34 . 64 103
	- ALCOHOLIC BEVERAGE AMENDMENTS – ELIMINATING ALCOHOL SALES TO YOUTH (P. Knudson) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	. 18
S.B. 59	- PURCHASING FROM PEOPLE WITH DISABILITIES AMENDMENTS (S. Killpack) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	
S.B. 60	- WESTERN STATES PRESIDENTIAL PRIMARY (P. Knudson) Read the first time by short title and referred to the Rules Committee.	. 18
S.B. 61	- UNIFORM MEDIATION ACT (L. Hillyard) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	
S.B. 62	- JUDICIAL CONDUCT COMMISSION AMENDMENTS (M. Waddoups) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	
S.B. 63	- ISSUANCE AND DISPLAY OF LICENSE PLATES (D. Eastman) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	. 18
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S.B. 65	- WILDLAND FIRE SUPPRESSION AMENDMENTS (D. Thomas) Read the first time by short title and referred to the Rules Committee.	. 64
S.B. 66	- PRICE CONTROLS DURING EMERGENCIES AMENDMENTS (P. Arent) Read the first time by short title and referred to the Rules Committee.	. 64
S.B. 67	- CONSERVATION EASEMENT RESTRICTED ACCOUNTS (B. Evans) Read the first time by short title and referred to the Rules Committee.	. 64
S.B. 68	- PLUMBING LICENSE QUALIFICATIONS AMENDMENTS (P. Hellewell) Read the first time by short title and referred to the Rules Committee.	. 64
S.B. 69	- PROTECTION OF INFORMATION IN CONSUMER CREDIT DATABASES (C. Walker) Read the first time by short title and referred to the Rules Committee.	. 64
S.B. 70	- PROCESS FOR APPROVAL OF WASTE DISPOSAL AMENDMENTS (H. Stephenson) Read the first time by short title and referred to the Rules Committee	. 64
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S.B. 93	- BOILER AND ELEVATOR SAFETY PROVISIONS (E. Mayne) Read the first time by short title and referred to the Rules Committee.	. 18
S.B. 94	- AMENDMENTS TO UTAH COMPREHENSIVE HEALTH INSURANCE POOL (G. Davis) Read the first time by short title and referred to the Rules Committee.	. 18
S.B. 95	- PSYCHOLOGIST LICENSING ACT AMENDMENTS (E. Mayne) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar	. 60
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S.B. 98	- SAFETY BELT ENFORCEMENT AMENDMENTS (K. Hale) Read the first time by short title and referred to the Rules Committee.	
S.B. 99	- COUNTY RECORDER AMENDMENTS (D. Thomas)	. 18

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S.B. 104 — PRESCRIBING PRACTICES FOR SCHEDULE II DRUGS (<i>P. Knudson</i>) Read the first time by short title and referred to the Rules Committee	. 19
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S.B. 114 — PRODUCER AND AFFILIATE DISCLOSURE AMENDMENTS (B. Evans) Read the first time by short title and referred to the Rules Committee.	. 19
S.B. 115 — CONTINUING EDUCATION IN INSURANCE (T. Hatch) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar	60
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S.B. 120 — GOVERNOR'S RURAL PARTNERSHIP BOARD AMENDMENTS (T. Hatch) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar	20
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S.B. 12	Read the first time by short title and referred to the Rules Committee.	20
S.B. 12	25 — MALIK'S LAW – HOMICIDE AMENDMENT (F. Fife) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee	20 60
S.B. 12	26 — TRANSPORTATION OF CHILDREN IN KINDERGARTEN THROUGH SIXTH GRADE (E. Mayne) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	20
S.B. 12	27 — VACATING OR CHANGING A SUBDIVISION PLAT (<i>P. Knudson</i>) Read the first time by short title and referred to the Rules Committee.	20
S.B. 12	28 — REVOLVING CREDIT LINE TRUST DEED (T. Hatch) Read the first time by short title and referred to the Rules Committee.	20
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S.B. 13	30 — JOINT TENANCY AMENDMENTS (<i>T. Hatch</i>) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee Committee report adopted and placed on calendar	60
S.B. 13	31 — AUTHORIZATION OF OPINION QUESTIONS TO VOTERS (E. Mayne) Read the first time by short title and referred to the Rules Committee.	21
S.B. 13	32 — SURPLUS PROPERTY AMENDMENTS (P. Knudson) Read the first time by short title and referred to the Rules Committee. Assigned to standing committee.	
S.B. 13	33 — LIABILITY PROTECTIONS FOR CHARITY CARE (<i>P. Knudson</i>) Read the first time by short title and referred to the Rules Committee.	21
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	AS — REVISOR'S STATUTE (M. Waddoups) Read the first time by short title and referred to the Rules Committee. Placed on calendar Read the second time Read the third time It and the first time the House It and referred to the Rules Committee.	59 75 00
	14 — CHILD CARE EXEMPTIONS AMENDMENTS (P. Hellewell) Read the first time by short title and referred to the Rules Committee.	44
	15 — REGULATION OF DIRECT PATHOLOGY BILLING (G. Bell) Read the first time by short title and referred to the Rules Committee.	44
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